

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KAREN A. FORD-ABBOTT,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

3:07-cv-00526-BES-VPC

ORDER

Before the Court is Plaintiff Karen A. Ford-Abbott's ("Plaintiff") Objections to Report and Recommendation of United States Magistrate Judge (#14) filed on October 13, 2008. Defendant filed its Opposition to Plaintiff's Objections to Report and Recommendation of U.S. Magistrate Judge (#15) on October 29, 2008. This action was referred to U.S. Magistrate Judge Valerie P. Cooke pursuant to 28 U.S.C § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#13) on October 7, 2008. In the Report and Recommendation, the Magistrate Judge concluded that the Administrative Law Judge's ("ALJ") decision was supported by substantial evidence, that plaintiff's motion for reversal be denied and defendant's motion to affirm be granted.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 3-2, a party may file specific written objections to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4. The district court must make a *de novo* determination of those portions of the

1 magistrate judge's report to which objection is made and may accept, reject, or modify, in
2 whole or in part, the findings or recommendations made by the magistrate judge. LR IB 3-2(b).
3 *De novo* review means the court must consider the matter anew, the same as if it had not
4 been heard before and as if no decision previously had been rendered. Ness v.
5 Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need
6 not hold a *de novo* hearing, the court's obligation is to arrive at its own independent conclusion
7 about those portions of the magistrate judge's findings or recommendation to which objections
8 are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

9 After conducting a *de novo* review of the record, the Court concludes that the ALJ
10 properly applied the correct legal standards and his findings of fact are explained and
11 supported by substantial evidence in the record. Specifically, the ALJ properly found that
12 plaintiff could perform her past relevant work as a movie ticket taker and a fast food worker
13 based upon the vocational expert's testimony. For the same reasons, the ALJ also properly
14 found that there are other significant jobs which exist in the economy that plaintiff could
15 perform.

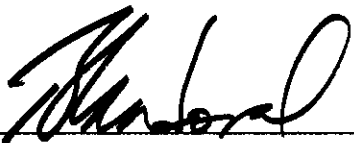
16 III. CONCLUSION

17 The Magistrate Judge therefore properly found that the ALJ's decision was supported
18 by substantial evidence, that plaintiff's motion for reversal be denied and defendant's motion
19 to affirm be granted.

20 IT IS HEREBY ORDERED that the court ACCEPTS in whole the Report and
21 Recommendation of U.S. Magistrate Judge (#13) and Plaintiff's Objections to Report and
22 Recommendation of United States Magistrate Judge (#14) are DENIED.

23 IT IS SO ORDERED.

24 DATED: This 9th day of June, 2009.

25
26 
27 _____
28 UNITED STATES DISTRICT JUDGE